

REMARKS

These remarks are in response to the Office Action mailed February 17, 2005. The amendments are supported throughout the specification and claims. No new matter is believed to have been introduced.

I. CLAIM OBJECTIONS

Claim 13 was objected to because of several informalities. Claim 13 has been amended to clarify that each side wall is connected between two corners. Claim 13 has also been amended to correct the alleged lack of antecedent basis for the previously recited "the center of opposing side walls" and "opposing corners." Claim 13 now recites "wherein the top edge is substantially symmetrical both about an axis that bisects the interior through two side walls, and about an axis that bisects the interior through two corners."

Claim 15 was also objected to because of an informality. Claim 15 has been amended to correct the alleged lack of antecedent basis previously recited "the center of the top edge." Claim 15 now recites "a filter section that extends from one side wall toward the interior." Accordingly, applicants believe the objections have been addressed and the informalities have been corrected.

II. REJECTION UNDER 35 U.S.C. §102

Claims 13 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kohler, Jr., US D280,342 (hereafter "Kohler").

Claim 13 has been amended to clarify the claimed subject matter, and now recites:

"a top edge defining an interior of the spa shell, the top edge having four rounded corners that are concave relative to the interior, each corner having a radius that exceeds twelve inches, and four curved side walls that are convex relative to the interior, each side wall connected between two corners".

Kohler shows a design for a cloverleaf spa. The design shows a squared spa shell having four squared corners. The squared spa shell includes a curved interior surface. The interior surface has two rounded seats provided in opposite corners of the interior, and two rounded open spaces on the other opposite corners of the interior, such that the two seats face each other and the open spaces face each other.

Kohler neither discloses nor teaches “a top edge defining an interior of the spa shell, as recited by claim 13, where the top edge has “four rounded corners that are concave relative to the interior, each corner having a radius that exceeds twelve inches, and four curved side walls that are convex relative to the interior, each side wall connected between two corners.” The spa shell of Kohler, to the extent that it shows a “top edge,” shows a squared top edge with a curved interior surface. Accordingly, Kohler fails to teach or disclose a top edge with four rounded corners and four curved side walls, and therefore does not anticipate claim 13.

The benefits of the claimed invention over the prior art such as Kohler are many. As stated in the specification, the side walls between the corners provide a large area for a user to enter or exit the spa, and one or more of the side walls may include one or more internal steps or ridges. Alternatively, one or more side walls may include a small seat (not shown). Such a small seat can be positioned in the spa shell such that it is more shallow than the large seats 66, thereby acting as a step to assist ingress and egress.

Further, the claimed curvilinear spa shell, as exemplified in claim 13, can use a number of the same shell components in different areas because of its symmetry, and thus simplifies the manufacturing and component inventory control processes. Such symmetry is neither disclosed nor suggested by Kohler, and withdrawal of the rejection is courteously requested.

Claim 14 is allowable at least for its dependence on allowable claim 13.

III. REJECTION UNDER 35 U.S.C. §103

Claims 15 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kohler in view of DeSousa et al., U.S. Patent No. 4,637,873 (hereafter “DeSousa”). Applicants respectfully traverse the rejection.

Claim 15 has been amended to clarify the recited subject matter, and now recites: "The curvilinear spa shell in accordance with claim 13, further comprising a filter section that extends from one side wall toward the interior." Such arrangement economizes the space taken by the filter section, while not compromising the efficiency provided by the spa shell as recited in claim 13, from which claim 15 depends.

DeSousa discloses a front-loading filter system enclosed within the spa wall. The filter system has front-loading access to remove or replace the filter. As asserted above, Kohler does not teach a spa shell as recited by claim 13. Further, DeSousa does not show "a filter section that *extends* from one side wall toward the interior" of the spa shell (emphasis added). In fact, FIG. 1 of DeSousa shows the filter arrangement *embedded within* a wall. The only part that extends out from anything is a door for providing access to a filter enclosed in a housing.

Thus, Applicants respectfully submit that claim 15 is allowable over any combination of Kohler and DeSousa, and a notice to that effect is courteously requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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